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TAGS: [ELAB](#) [EIND](#) [ETRD](#) [PHUM](#) [SOCI](#) [GT](#)
SUBJECT: GUATEMALA: INFORMATION ON CHILD/FORCED LABOR IN
THE PRODUCTION OF GOODS

REF: STATE 43120

Following is information on forced labor and exploitative child labor in the production of goods in Guatemala, as requested reftel. Post obtained the information from Guatemalan government agencies, international organizations, research institutions and universities, NGOs, labor organizations, unions, and other USG agencies for use in preparing a list of goods produced with child labor, forced labor, or forced child labor, as mandated by the Trafficking Victims Protection Reauthorization Act of 2005. Copies of source materials will be sent separately per reftel.

COFFEE/CORN

Type of exploitation: exploitative child labor

Source/year of information: Monitoring and Evaluation Specialist, USG-funded regional "Primero Aprendo" Project (2008); Asociacion Nuestros Ahijados (2008)

Description: The "Primero Aprendo" project has documented cases of children under the legal working age of 14 who have worked or continue to work in agricultural crop production in violation of Guatemalan labor laws and international agreements to which Guatemala is a party. It has also documented cases of adolescents between 14 and 17 years of age who have worked in excess of the maximum allowable hours.

Most were working illegally in the harvesting of coffee and cultivation and harvesting of corn. Project implementers CRS and CARE reported 347 children and adolescents working in these sectors in the Departments of San Marcos, Quiche, and Baja Verapaz. Most of these children and adolescents work in the informal sector, often on small family farms or in related family micro-enterprises. The hours and work conditions violate Guatemalan labor laws and either keeps children out of school or adversely affects their studies. According to the project's Monitoring and Evaluation Specialist, illegal exploitation of children occurs even in cases where Guatemala exports so-called "Fair Trade" coffee under the certification that the coffee was produced by small farmers in an environmentally sustainable manner. "Fair Trade" coffee certification does not include verification that children were not illegally exploited in the production chain.

According to Asociacion Nuestros Ahijados social workers, children are employed to help pick coffee beans during the harvest season. The children of farm laborers join their parents in the field. Each family is paid by the pound or bucket of beans they collect. The families put their children to work to increase their yield. While working with poor families throughout the country, the social workers found families where every member was employed in the harvesting of coffee beans. The farms pay by the pound, so children were removed from school, at times against their

will, to help with the harvesting.

Incidence: Information indicates that the incidence of exploitative child labor in coffee and corn harvesting was widespread.

Action: To date, "Primero Aprendo" has registered 1,075 children and adolescents in its programs and has withdrawn all but 81 of them from exploitative child labor conditions. It is working to withdraw the remaining 81 this year before termination of the project in March 2009.

FIREWORKS

Type of exploitation: exploitative child labor

Source/year of information: ILO Qualitative Study of Child Labor in Guatemala; Ministry of Labor, Unit of Protection of Adolescent Workers (2008); ILO/IPEC "Understanding Child QAdolescent Workers (2008); ILO/IPEC "Understanding Child Labor in Guatemala" Report Summary (2003); National Study of Child Labor in the Pyrotechnic Industry of Guatemala (2002, ILO); Asociacion Nuestros Ahijados (2008)

Description: The production of fireworks, considered one of the worst forms of child labor in Guatemala under government decree 250-2006 (Regulation of Application of ILO Convention 182), generally takes place within family-run businesses. The 2002 "National Study of Child Labor in the Pyrotechnic Industry of Guatemala" estimated that more than 7,000 workers, including 3,700 children, are involved in fireworks production in their homes. The majority of the children involved in fireworks production are under 14 years of age. According to Asociacion Nuestros Ahijados social workers,

children are employed in pulverizing and mixing chemicals, which are highly flammable and toxic. The chemicals are often mixed in makeshift backyard operations with few, if any, safety precautions. Often, these children are tricked into working in these facilities.

According to ILO/IPEC, the production of fireworks is one of the most dangerous activities involving exploitative child labor. Its principal raw material -- gunpowder -- makes it particularly explosive and toxic. Children work in factories or in their own homes without benefit of any occupational safety or health measures, and risk damage to their skin and mucous membranes and injury or death from accidental explosions. The great majority (96.6 percent) of these makeshift home workshops are located in the Department of Guatemala (capital region), in the municipalities of San Juan Sacatepequez and San Raymundo, while 3.4 percent are in 20 other municipalities throughout the country.

Incidence: Information indicates that the incidence of exploitative child labor in the production of fireworks is not limited to a few factories or workshops, although it is reportedly less prevalent now as a result of targeted efforts to combat the practice.

Action: The GOG has focused serious efforts on combating the use of child labor in fireworks production. In November 2006, it developed and implemented an operational plan to address the situation. The special unit of labor inspectors for cases of workers under 18 years of age requested authorization from the Inspector General to conduct inspections of workshops and factories located in the municipalities of San Raymundo, San Juan Sacatepequez, and Mixco to verify the presence of child or adolescent workers. In November 2007, the GOG improved its program with its implementation of "Operative Plan 2007," which extended its labor inspections to centers of fireworks distribution. The Unit of Protection of Adolescent Workers conducted a seminar for vendors of pyrotechnic products, and the coordinator of the unit of labor inspections of minors gave a presentation on labor obligations to promote a safer work environment.

GARMENTS

Type of exploitation: forced labor

Source/year of information: Credible labor consultant who investigated and detected practices of forced labor (2008)

Description: According to the source, daily and weekly production quotas are impossible to meet under normal work conditions of eight hours per day. In the maquila sector, production goals are often calculated by management using the base of 10 hours of work per day. As a result, workers are forced to work extraordinary hours or face dismissal or a significant loss of pay for failure to meet the established quota.

Incidence: The source highlighted not only the depth of the situation, but also his concern over the climate of violence that threatens the workers as well as those who conduct investigations.

Action: See final para on overall GOG efforts.

GRAVEL

Type of exploitation: exploitative child labor

Source/year of information: Ministry of Labor, Unit of Protection of Adolescent Workers (2008); ILO Qualitative Study of Child Labor in Guatemala; ILO/IPEC "Understanding Child Labor in Guatemala" Report Summary (2003)

Description: Children and adolescents under 18 years of age crush and haul gravel for construction of houses and buildings. This activity is most common along the Samala Qbuildings. This activity is most common along the Samala river in the Department of Retalhuleu. This type of labor is considered one of the worst forms of child labor under government decree 250-2006 (Regulation of Application of ILO Convention 182). According to ILO/IPEC, children can suffer loss of limbs in accidents and sometimes even death in cave-ins in quarries. They may also suffer bruising and fractures of fingers and hands; deformations of limbs; pulmonary diseases; skin diseases; and damage to their eyesight. The work is performed by boys and girls alike, along with family members.

Incidence: Information indicates that the incidence of exploitative child labor in the gravel sector is widespread; however, it has reportedly significantly diminished as a result of ILO and GOG efforts.

Action: The Ministry of Labor and other institutions and NGOs have taken actions to address the problem as part of a national plan to eradicate child labor abuses.

SNOW PEAS/BROCCOLI

Type of exploitation: exploitative child labor

Source/year of information: Center for Studies and Support for Local Development (CEADEL) (2008)

Description: According to CEADEL, a snow pea/broccoli processing and export company in Chimaltenango employs 140 workers, including 10 minors under the age of 14. In early May, 54 workers were dismissed for not meeting production quotas. The company, which exports the products to the U.S., does not pay social security, overtime, bonuses, or provide vacation time. During the low production season, employees typically work from 7:00 a.m. to 7:00 p.m., but during the high season they work from 7:00 a.m. to as late as 11:00 p.m.

The workers are not provided gloves or rubber boots, and restrooms for employees do not have toilet paper or soap. The work is particularly hazardous to children who are subject to skin irritations, lung damage, and other harmful effects from unprotected use of chlorine-based disinfectants to wash vegetables.

Incidence: Information relates to a single facility, but use of exploitative child labor is reportedly widespread in the fresh produce sector.

Action: See final para on overall GOG efforts.

SUGAR

Type of exploitation: forced labor and exploitative child labor

Source/year of information: credible labor consultant based on his organization's research and investigations (2008); "En el Umbral" published by AVANCSO, article "Trabajo y Gobernabilidad en la Costa Sur" by Elizabeth Oglesby; Asociacion Nuestros Ahijados (2008)

Description: Sugar producing companies, when organizing the harvest of sugar cane, establish rigorous daily quotas which, according to a credible source, are humanly impossible to meet under legal work conditions. This creates three situations:

- (1) the workers must work at least 12 hours per day;
- (2) the sugar cane is cut using "incendio del canaveral" (a method of burning the sugar cane that facilitates cutting) with the aim of reducing the time for cutting and increasing productivity, with workers cutting the sugar cane while it is still hot; and
- (3) the workers consume drug-like substances to withstand the extreme work conditions and rigorous daily quotas.

Workers who do not meet production quotas are fired immediately. The threat of dismissal thus functions as a penalty that requires the worker to provide his services under forced conditions.

Sugar producing companies reportedly employ a large quantity of children for harvest of sugar cane. Government decree 250-2006 defines the harvest of sugar cane as one of the worst forms of child labor. Sources indicate that children under 18 years of age continue to perform such labor despite claims by sugar production companies that the practice has been eradicated. Child continue to be exploited in the sugar industry.

According to Asociacion Nuestros Ahijados social workers, children of migrant workers are employed in the harvesting of sugar cane. The work is physically strenuous, involving many hours crouched low and using sharpened machetes. Many of these children are not enrolled in school, and those that are in school are forced to leave during the harvest. Workers bring their children with them to the fields to increase their personal yield.

Incidence: Information indicates that this is widespread.

Action: See final para on overall GOG efforts.

STATISTICS

According to a study (ENCOVI 2006) conducted by the National Institute of Statistics of Guatemala, an estimated 528,000 children between 7 and 14 years of age work in Guatemala. This figure represents 18 percent of all children in that age group. Of the 18 percent, 12.7 percent attend school in addition to working. The majority (63.7 percent) work in the agricultural sector, while 19.1 percent work in the commercial sector and 9.7 percent in the manufacturing sector. More than half of the child laborers work in the western region of the country (about 34 percent in the southwest region and 22 percent in the northwest).

GOVERNMENT EFFORTS

The GOG's "Operative Plan 2008" to combat child labor focuses on strengthening labor inspections. The special unit of labor inspectors for child and adolescent workers, which

currently has six inspectors, aims to reduce the incidence of child labor through intervention -- on-site labor inspections -- to ensure compliance with labor laws. It plans to increase the presence of labor inspectors at sites where children and adolescents work, to strengthen observance of their labor rights, and to reduce the overall use of child labor. It plans initially to focus on the El Pueblito Commercial Center, maquila companies in San Pedro Sacatepequez, furniture-making companies in San Juan Sacatepequez, the waste dump area of the capital, and fireworks production companies where children have been known to work.

The Ministry of Labor's Unit of Protection of Adolescent Workers has programs for the prevention of child labor that aim to educate adolescents on their labor rights, in accordance with national legislation, including the Law of Comprehensive Protection of Children and Adolescents and government decree 250-2006 (Regulation of Application of ILO Convention 182 on the Worst Forms of Child Labor) and international conventions, especially ILO Conventions 138 and [182](#).

The Ministry of Labor implements projects financed by the international donor community in support of programs to strengthen the Executive Secretaries for the Prevention and Eradication of Child Labor in the regional Departments of Guatemala, Quiche, Huehuetenango, and San Marcos. ILO recently financed a project ("Prevention of Domestic Child Labor in Indigenous Populations") in the municipality of Comitancillo, San Marcos, in which 250 indigenous children were kept in school and 50 adolescents were trained.

The Ministry of Labor coordinates with other governmental and non-governmental institutions on programs and projects in specific areas where they have detected large numbers of children and adolescents working in dangerous and prohibiive conditions. The Ministry is informing, senstizing, and involving more institutions in efforts to eradicate illegal child labor.

Derham